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Algeria

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Introduction

1. The promotion and protection of human rights is at the centre of Algeria's domestic and foreign policies. Algeria's history clearly attests to its approach to human rights.
2. The authorities have worked to promote and protect human rights ever since the country became independent in 1962. Thus, the different constitutions have enshrined universal values and principles relating to human rights while bearing in mind the need to uphold the authentic aspirations, progress and development of Algerian society.
3. With the introduction of the multiparty system in 1989, Algeria speeded up the process of adhering to international human rights instruments. As of this date, it has adhered to eight of the nine most important human rights instruments, five regional instruments and several other conventions in the area of human rights.¹ Under article 132 of the Constitution, treaties that have been ratified are superior to the law.
4. Honouring its commitments under these instruments, Algeria regularly submits reports on the relevant international and regional mechanisms.
5. In addition to contributing to the work of the Human Rights Council, Algeria has cooperated on a regular basis and in good faith with the Council's special procedures and has invited seven of them to visit the country.
6. The same spirit of cooperation has guided Algeria's relations with the United Nations High Commissioner for Human Rights, who has been officially invited to visit the country. Algeria increased its voluntary contribution to the extrabudgetary funds of the Office of the High Commissioner for Human Rights (OHCHR) in 2011. In March 2012, Algeria also approved a contribution of US\$ 500,000 to OHCHR for the organization of seminars and training workshops for less developed countries.
7. Since its first report to the universal periodic review mechanism, Algeria has made significant progress towards increasing freedom and respect for human rights.

I. Methodology and consultation

8. This report is submitted in compliance with General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007, in particular paragraph 15(a) thereof. It is based on a number of official documents, including Algeria's periodic reports to different international and regional human rights mechanisms. It is the product of discussions held in numerous meetings of the inter-ministerial working group made up of 11 departments and working under the coordination of the Ministry of Foreign Affairs. The working group met several times following its official installation on 13 September 2011.
9. Advisory bodies like the High Islamic Council and the National Advisory Commission for the Promotion and Protection of Human Rights also contributed to the report. Representatives of civil society organizations that are active in this field were also consulted in connection with the drafting of this report. Their observations are reflected in chapter V of the report.
10. This report follows the general guidelines for the preparation of information under the universal periodic review that were adopted by the Human Rights Council in its resolution 17/119, of June 2011.

II. Normative framework

11. Algeria has set up the essential internal mechanisms for promotion, warning and surveillance in the area of human rights. These mechanisms cover individual, civil and political rights, and collective, economic, social and cultural rights. They are based on three major categories of mechanisms working together in coordinated fashion.

12. In addition to the Constitution as amended in 2008, the legal framework has been enriched over the last few years with the adoption of several laws that serve to strengthen and perpetuate the rule of law at every level of public life.

A. Political mechanisms

13. Parliament is the institutional mechanism for the working out of democracy and the diversity of the country's political life. Questions relating to human rights are considered by permanent commissions set up for this purpose by the two chambers of Parliament.

B. Judicial mechanisms

14. The independence of the judiciary is enshrined in article 138 of the Constitution, which states: "The judicial power is independent. It is exercised within the framework of the law."

15. The State has established judicial mechanisms for guaranteeing the rights of citizens, on the one hand, and the independence of the courts, on the other. To this end, the judiciary operates on three levels, namely, through courts of the first instance, appeals courts and the Supreme Court.

16. Contentious-administrative matters are settled by the administrative courts and the Council of State. The Jurisdiction Court settles conflicts of jurisdiction between the Supreme Court and the Council of State.

C. Institutional mechanisms

17. In 2001, Algeria established a national human rights commission called the National Advisory Commission for the Promotion and Protection of Human Rights, which is accredited to the International Coordinating Committee of National Human Rights Institutions (ICC). The national commission, which has 45 members, including 16 women, bases its work on the principle of sociological and institutional diversity.

18. The Commission continually adjusts its structure and its work in the field in order to fulfil its mission as an advisory and monitoring body responsible for issuing early warnings and evaluating respect for human rights.

19. The Commission reports annually on the status of human rights to the chief magistrate of the country.

III. Follow-up to the previous review

20. Following the submission of its first report in April 2008, Algeria has taken steps to implement the 17 recommendations it accepted.² Over the past four years, on the occasion of his participation in the high-level segments of the sessions of the Human Rights Council,

the Minister for Foreign Affairs has submitted mid-term evaluations on the measures taken by the Government to implement the recommendations.

21. The actions taken in this regard are described below:

Implementation of recommendations 1 and 2

Algeria's experience in the fight against terrorism

22. Since 1991, Algeria has had to deal with the phenomenon of terrorism with the means available to it. The struggle against this scourge, which has required the implementation of exceptional measures, has always been carried out within a legal framework of respect for human dignity and bearing in mind the obligation to guarantee the exercise of the fundamental rights protected by the Constitution and laid down in different international instruments to which Algeria has adhered.

23. The national tragedy experienced by the Algerian people during the 1990s was without a doubt one of the most difficult and painful periods in the country's history as an independent nation.

24. Algeria is now moving on to a qualitatively new stage, as it addresses and grapples with many sensitive issues, particularly those relating to the security and sovereignty of the State, which had been threatened by terrorism during the 1990s.

25. Although terrorism, with the complicity of its intermediaries, was aimed at undermining the republican foundations of the States and its institutions, indeed its very existence, it did not succeed, thanks to the sacrifices and the vigilance of all concerned, including the National People's Army, which without hesitation stood ready to defend the State.

26. Very early on, Algeria took steps to fight terrorism by passing legislation specifically targeting the phenomenon and adhering to the main international and regional instruments in that area.

27. Permanent adjustments have been made in the legislation in order to address the need to suppress terrorism in its many and ever-changing facets and to ensure that counter-terrorism efforts are carried out with due regard for the need to uphold the rule of law and ensure respect for universal human rights principles.

28. In dealing with terrorist acts, the courts apply the Penal Code and the Code of Penal Procedures; accordingly, all measures taken are subject to the rules of ordinary law.

29. Acts of terrorism are judged by specialized courts applying ordinary law, which have extended territorial competence; the magistrates sitting on these courts have received supplementary specialized training.

30. Algeria is persuaded that international cooperation must be strengthened in order to effectively fight terrorism. In this spirit, and with the support of the African Group, Algeria raised the issue of the implications of hostage taking by terrorists for the human rights of victims in the Human Rights Council.

31. A consensus decision was adopted which called for the convening, at the seventeenth session of the Council, of a panel discussion on the issue. The panel adopted by consensus a second resolution requesting the Advisory Committee to conduct a study on the question. The nature of the discussions, as well as the consensus arising from the work on this issue, attest to the international recognition of the validity of Algeria's efforts to address the matter of the interdependence of security and fundamental freedoms.

The fight against poverty, the promotion of economic, social and cultural rights and achievement of the Millennium Development Goals

32. Considerable progress has been made in the effort to meet social needs; this has been possible thanks to the stabilization of macroeconomic parameters and direct State³ support through different social programmes. State spending on social programmes for disadvantaged groups represents around 12 per cent of GDP per year.

33. The five-year plan for 2010–2014 provides for the establishment of more than 70 specialized facilities for persons with disabilities and nearly 40 infrastructures for persons in distress, involving the mobilization of funds amounting to 40 billion Algerian dinars. Several mechanisms and programmes for the disadvantaged are underway.

34. Special mention should be made of the microcredit system established by the National Microcredit Management Agency as a way to promote socioeconomic integration, as well as the substantial means mobilized by the State to implement it.

35. Since the first half of 2011, some 37,104 loans have been granted, allowing for the creation of 55,656 jobs.⁴

36. Non-remunerated loans for the purchase of raw materials represent 96 per cent of the total volume of microcredit loans granted. The remaining four per cent are accounted for by triangular financing.

37. The main measures on which this redeployment is based are:

- Eliminating or reducing personal contributions
- Significant adjustments to the amounts of loans
- Extending microcredit to financing of activities as a whole
- Tax advantages for beneficiaries

38. It should be noted that quotas are no longer required for the granting of microcredit loans.

39. Under the new procedures, all requests for loans submitted to the local subsidiaries of the National Microcredit Management Agency are reviewed by the eligibility commission, which is made up of representatives of the National Microcredit Management Agency, the Microcredit Guarantee Fund and representatives of the banks.

40. Algeria has implemented with special determination the development plans of the last ten years. As a result, unprecedented progress has been made towards improving quality of life for the entire population.

41. Reports prepared by the United Nations and the United Nations Development Programme (UNDP) attest to Algeria's progress towards achievement of the Millennium Development Goals. According to the UNDP Human Development Index, Algeria:

- Ranks ninth in the category of countries with a high level of human development
- Ranks fifth in the category of countries with a high level of non-monetary human development
- Ranks ninth among countries with the best human development indices for the last few years

42. Algeria has already achieved several of the Millennium Development Goals and is thus well on its way to achieving the eight goals by the year 2015.

Implementation of recommendation 3

Continuation of the moratorium on the death penalty

43. Algeria has not carried out the death penalty since 1993. In terms of legislation, several crimes that had been liable to the death penalty have either been eliminated altogether (such as economic crimes) or have been revised so that the death penalty has been replaced by imprisonment. No new legislation has been passed which provides for the death penalty. Moreover, several death sentences have been commuted to imprisonment by the President.

44. On the international scene, Algeria belongs to the support group for the international commission on promotion of the moratorium and universal abolition of the death penalty. Every year it sponsors the United Nations General Assembly resolution on the moratorium on the use of the death penalty.

45. The matter of the death penalty is currently a subject of public discussion in Algeria. In 2009 and 2011, the National Advisory Commission for the Promotion and Protection of Human Rights and the International Organization for Penal Reform organized two meetings on the issue of the death penalty in Algeria.

Combatting violence against children

46. This issue was taken up by the national mechanism on promotion of the rights of the child. Thus, the National Plan of Action for Children adopted on 19 February 2008 focuses on four priorities:

- Promoting a better life
- Guaranteeing quality education
- Improving the protection of children from abuse, exploitation and violence
- Promoting the rights of children

47. The national strategy (2005–2012) for combatting violence against children is being implemented. This strategy is aimed at preventing different forms of violence against children, increasing protection of children from violence in their immediate surroundings (family, school, public places) and promoting a culture of non-violence.

48. In compliance with its treaty obligations, on 8 June 2012, Algeria will submit its third and fourth periodic reports on the implementation of the international Convention on the Rights of the Child. These reports provide detailed information on action taken by the Algerian Government to protect and promote the rights of children.

49. Civil society is also engaged in combatting violence against children. The non-governmental organization NADA carried out the *Je t'écoute* (I hear you) programme, which provides a *ligne verte* (help line) for children to denounce acts of violence against them.

Implementation of recommendation 4

Guarantees for detainees

50. Algerian legislation guarantees the right of detainees to be assisted by a lawyer of their choice right from the moment of their initial hearing before the prosecution. On the other hand, the presence of a lawyer is not allowed, for the time being, during police custody (criminal proceedings are the responsibility of the public prosecutor). This matter was discussed in the context of the review of the Code of Penal Procedures.

51. With regard to persons who are in police custody on the premises of the judicial police, the provisions of articles 51, 51 bis 1 and 52 of the Code of Penal Procedures⁵ are strictly observed by security service personnel.

52. An inter-ministerial order signed on 12 June 2011 by the Minister of the Interior and Local Communities and the Minister of Finance establishes the system for covering food and hygiene expenses for persons placed in custody in facilities belonging to the National Security Service.⁶

53. Facilities where people are held in police custody throughout the country are inspected periodically by the magistrates of the Prosecutor's Office, as stipulated in the Code of Penal Procedures. In addition, they have been visited by representatives of the International Committee of the Red Cross (ICRC) since 2009 and from the National Advisory Commission for the Promotion and Protection of Human Rights.

Promotion of women's rights

54. Over the last ten years, Algeria has implemented a crosscutting women's policy designed to create a favourable social, cultural, legal, economic and political environment and to enable women to participate fully in the country's development.

55. In pursuit of these objectives, the following actions have been taken:

- A review of the legislation was carried out, with a view to guaranteeing an increased presence of women in elected assemblies at the national and local levels. A new article was included in the Constitution as amended in 2008. This article stipulates that the State shall seek to promote the political rights of women by increasing their opportunities for access to representation in elected assemblies and to ensure that the procedures for applying this article are laid down in an organic law.

56. An act to this effect was passed in January 2012 which establishes the principle of quotas in all slates of candidates for legislative and local elections. The quotas range between 20 and 50 per cent for female representatives in elections for the National People's Assembly and between 30 and 35 per cent for the *wilaya* people's assemblies. The quota is 30 per cent for community people's assemblies, which represent populations of over 20,000 inhabitants. These quotas are mandatory and are reserved for candidates in the order in which their names appear on the slates.

57. The Political Parties Act also sets quotas for the internal bodies of political groupings.

- The development of strategies, plans of action and programmes such as the national strategy on the integration and promotion of women (2008–2013) and the corresponding plan of action 2009–2014 endorsed by the Government, the joint programme on gender equality and women's empowerment in Algeria for the period 2009–2011, the program on strengthening female leadership and consolidating women's participation in political and public life 2008–2011 and the programme on promotion of gender equity and equality and implementation of a mechanism for protection from violence against women.

58. All these strategies, plans of action and programmes, which reflect the Government's priorities in regard to gender equality, are designed to reinforce the fundamental achievements of Algerian women in the area of civil, political, economic, social and cultural rights.

- Mainstreaming the gender approach in the work of Government ministries, including through the creation of a working group on equality and equal opportunities in 2010, which is made up of focal points designated by the ministerial departments

concerned. In 2011, the group drew up annual plans of action for the national strategy on the integration and promotion of women, and it will monitor and evaluate implementation of the actions included in the plan.

- Strengthening institutional mechanisms for creation of the National Centre for Studies, Information and Documentation on Families, Women and Children (Presidential Decree No. 10-155 of 20 June 2010). The Centre will serve as a supplementary support mechanism for efforts such as the development of public policies on families, women and children. This project is already underway.
- Advocating for women's rights and raising awareness regarding violence against women. National sensitization campaigns have already been conducted in coordination with the relevant ministerial departments and with the help of local communities, associations and the media. Algeria is also taking part in regional and international efforts in this area.
- Protecting women and girls who are in distress or who are victims of violence: to help women and girls who are victims of violence and/or in difficult situations, shelters and counselling centres have been set up to provide orientation, shelter and services. Victims are helped to become self-reliant and to re-enter society, including through training and microcredit.

59. In 2010, the complaints, counselling and care service for this category of women and girls was extended nationwide. The main purpose of the service is to protect and promote the rights of disadvantaged women and to help them enter social and professional life. In 2011, the mechanism was reinforced with qualified staff.

Cooperation with mandate holders

60. See the section on implementation of recommendation 16.

Implementation of recommendation 5

61. Algeria signed the International Convention for the Protection of All Persons from Enforced Disappearance in February 2007 and accepted the recommendation made to it with respect to ratification.

62. Discussions have been initiated to consider the advisability of this ratification.

Implementation of recommendation 6

63. The National Commission on Non-Muslim Religions⁷ was established in 2008 to ensure respect for freedom of worship and respond to concerns regarding its mandate. The Commission organized the following activities:

- To implement recommendation 6 during the first universal periodic review cycle, an international colloquium was held in Algiers on 9 and 10 February 2010 to discuss the question of "Religious freedom: a right guaranteed by the Muslim religion and by the law." More than 300 people participated in the activity, including some thirty distinguished Christian leaders.
- The administrative and legal status of the Protestant Church of Algeria, which has about 20 small local communities, was normalized.
- Import authorizations were granted for Christian religious literature for the two Catholic and Protestant associations.
- Agreement was reached on a procedure for facilitating the granting of entry visas and residency permits for religious workers.

Implementation of recommendation 7

64. See also the section on implementation of recommendations 1 and 2.
65. The public sector is the main player in the health sector, and special emphasis is placed on providing free preventive and curative health care.⁸
66. The reforms undertaken by the public authorities are justified by the fact that the system has been consolidated, and its goals have been achieved.
67. The reforms are designed to improve the quality of services, the efficiency of health-care establishments and the national health system as a whole, as well as to reduce disparities and inequalities among regions.
68. For example, the health sector's budget for operations and equipment quadrupled between 2000 and 2010, increasing from 60.149 billion Algerian dinars (over \$800 million) in 2000 to 232 billion Algerian dinars (over \$3 billion) in 2010.
69. Fifteen per cent of the operating budget has been earmarked for preventive and reproductive health.
70. In terms of health-care and medical coverage, the reform has led to the establishment of 282 public hospitals, including 68 specialized hospitals.
71. The network of basic services includes 1,419 polyclinics (one per 25,580 inhabitants) and 5,376 care centres (one per 6,300 inhabitants).
72. The ratio of practitioners per inhabitant is one per 873 (compared with one per 1,750 in 1999) and for specialists, it is one per 2,472 (compared with one per 3,594 in 1999).
73. In terms of indicators:
- Overall mortality was estimated at 16.4 per thousand in 1970 and stabilised around 4.4 per thousand in 2008.
 - Life expectancy rose from 52.6 years in 1970 to 75.6 in 2008, and then to 76.7 years in 2011 (77.3 years for women and 76 for men).
 - Infant mortality fell from 25.5 per thousand in 2008 to 23.7 per thousand in 2010 (female: 22.2, male: 25.2).
 - Actions to improve maternal health were intensified after an executive decree was issued laying down regulations for the organization and operation of neonatal and perinatal services.⁹ In 2010, the maternal mortality rate was estimated at 76.9 per 100,000 (at an annual downward rate of about 5.5 per cent) compared with 117 per 100,000 in 1999. Efforts have been made to improve coverage of obstetrician-gynaecologists and paediatricians, especially in the less-covered regions (the number of specialists has increased by 85 per year since 2007). The ratio is currently one gynaecologist per 3,692 married women of childbearing age¹⁰ compared with one per 4,759 in 1998, and one midwife per 500 married women of childbearing age.
74. In 2010, 90.2 per cent of pregnant women received prenatal care, and assistance was provided for 97.9 per cent of births.
- As regards HIV/AIDS, as of 30 September 2011, 5,381 persons were HIV-positive, and 1,234 had AIDS. The prevalence rate remains low (0.1 per cent).
75. Prevention and care expanded with the increase in the number of referral centres (nine); multisectoral programmes include community associations, which target young people through an integrated approach to combat drug addiction and promote mental health programmes with the involvement of the National Drug Control Office. Sixty-one free anonymous testing centres were set up in all 48 *wilayas*.

Implementation of recommendations 8, 9 and 11

76. On several occasions, the President of the Republic has pointed out that national reconciliation provided an opportunity to accept new sacrifices in order to overcome past suffering and prepare for our children a future of peace and happiness.

77. Discussing the tragic causes of the crisis which our country experienced and which gave rise to an unprecedented explosion of violence that seriously threatened the very foundation of our unity as a country, the President of the Republic said that national reconciliation would mark a decisive stage in the process of renewal of our country. It appealed to reason as well as to generosity and submission to the principles of Islam for all Algerians, both women and men, so as to forgive without forgetting, to look resolutely to the future and reinvent a new way for living together in an increasingly prosperous Algeria.

78. In addition to helping to stabilise the security situation in areas where certain armed groups were striking with great cruelty, the momentum gained should strengthen counter-terrorism efforts and help isolate the groups that remained entrenched.

79. Accordingly, it should:

- Help stop the bloodbath and put an end to the self-destruction of the country
- Respond to the collective will of armed groups to cease their criminal activities and submit to the State
- Hasten the decline of terrorist influence by precipitating the downfall of other criminal groups and further reducing their ability to cause trouble
- Enable security forces to concentrate on the fight against the most intractable groups
- Strengthen the State's efforts to preserve public order and protect property and people, by enabling it to legitimately use maximum force against entrenched terrorist groups

Implementation of recommendation 10

Cooperation with the Human Rights Committee and the Special Rapporteur on the promotion and protection of human rights while countering terrorism

80. The Government of Algeria ratified the International Covenant on Civil and Political Rights, as well as the first optional protocol thereto, in 1989.

81. Algeria has always cooperated in good faith with the Human Rights Committee established under the Covenant. It systematically provides well-documented replies to communications on individual cases that it receives from the Committee.

82. Algeria would have hoped that some communications would have been dealt with in an objective manner, in terms of both the admissibility and the substance of such communications, taking into account the Government's arguments and verifying the reliability, credibility and objectivity of the sources concerned.

83. With regard to the Special Rapporteur on the promotion and protection of human rights while countering terrorism, the Government of Algeria remains willing to examine, in due course, a new list of requests for visits. (See the section on implementation of recommendation 16).

Withdrawal of reservation to article 2 of CEDAW

84. Algeria's reservation to the Convention on the Elimination of All Forms of Discrimination against Women reads as follows: *The Government of the People's*

Democratic Republic of Algeria declares that it is prepared to apply the provisions of this article on condition that they do not conflict with the provisions of the Algerian Family Code.

85. Article 2 of the Convention defines the concept of discrimination against women and envisages certain actions that countries should take to combat discrimination against women, including the adoption of legislative measures and the establishment of legal protection of women and calls for States to take all appropriate measures to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women.

86. Non-discrimination against women is one of the key principles expressly enshrined in the Constitution of Algeria, in its legislation and in regulations promoting the enjoyment of the civil and political rights and the economic, social and cultural rights of women in all spheres of national life, with the exception of those governed by Sharia law, especially its provisions concerning succession, which are based on rules of the divine essence to which Muslims are subject. These are imperative and intangible rules that are based on marital status and the deep-seated convictions of the Algerian people.

Lifting the state of emergency

87. To deal with an exceptionally serious situation, the State was forced to resort to equally exceptional measures; thus, on 6 February 1993, a state of emergency was established by legislative decree.

88. This measure, which was not intended to restrict public liberties, enabled the State to respond swiftly and effectively to an unprecedented threat, as it enabled the Government to take measures that entailed repealing ordinary law, especially in connection with the fight against terrorism.

89. In February 2011, the Government lifted the state of emergency, thus ending the exceptional measures. The Secretary-General of the United Nations was notified of this action, in compliance with article 4 of the International Covenant on Civil and Political Rights.

Implementation of recommendation 12

90. Progress has been made in the penitentiary sector, with the aim of improving conditions during detention and helping detainees re-enter society.

91. Steps have been taken to build new prisons that meet international standards; improvements have been made in the treatment of detainees (medical coverage, equipment, heating, meals); re-education programmes have been strengthened (education, training, educational activities, sports and leisure activities); and social reinsertion programmes have been promoted by engaging civil society and creating external services under prison administration and improving human resources.

92. With regard to protection of prisoners while in police custody, measures have been taken in the areas of prevention and suppression.

As regards prevention:

- The Code of Penal Procedures contains strict provisions regarding police custody (duration, oversight by prosecution magistrates, medical examinations, family communications, physical conditions and dignity)
- An inter-ministerial order was issued in 2001 which reaffirmed the hierarchical authority of the courts over the judicial police

- On 19 April 2009, the Minister of Justice instructed public prosecutors to routinely initiate criminal proceedings in cases of physical harm to persons in custody
- On 7 November 2009, the Minister of Justice instructed public prosecutors to ensure the strict confidentiality of medical certificates relating to persons in custody
- Steps were taken to systematize and reinforce oversight by magistrates in the public prosecutor's office of legal and physical facilities and respect for the dignity of persons in custody
- Surprise visits to custodial facilities are made by representatives of ICRC and the National Advisory Commission for the Promotion and Protection of Human Rights

As regards suppression:

- Torture has been criminalized in the Penal Code; more serious penalties are imposed when it is practiced, instigated or ordered by an official for the purpose of obtaining a confession. An official who fails to report such acts is also liable to criminal prosecution.
- Proceedings are initiated whenever prosecutors become aware of a case of mistreatment.

Implementation of recommendation 13

93. Under article 53 of the Constitution, the State guarantees free and compulsory education throughout the basic cycle (16 years).

94. After more than 50 years of efforts, Algeria has to a large extent made the right to education a reality. In 2011, overall, eight million students attended school in both the public and the private sectors. The school attendance rate for children up to age six rose from 93 per cent in 2000 to 98.16 per cent in 2011.

95. The school attendance rate for children aged six to 16 rose from 88 per cent in 2000 to 95.54 per cent in 2011. In terms of gender parity, the trend has been in favour of girls, especially in the middle and secondary cycles; in 2010, the rate (number of girls per 100 boys) was 90 in the primary cycle, 95 in the middle cycle and 139 in the secondary cycle. This progress reflected the effort made by the State through a large-scale infrastructure and recruitment programme. In terms of quality, the parameters for school attendance were improved (classroom occupation rate, improvement of the management/staff ratio) and the school drop-out rate in compulsory education was greatly reduced.

Implementation of recommendation 14

96. Act No. 09-01 of 25 February 2009 added the following criminal offences to the Penal Code:

- Trafficking in persons
- Trafficking of organs
- Smuggling of migrants

97. These acts were criminalized to comply with the international conventions that have been ratified by Algeria, in particular, the United Nations Convention against Transnational Organized Crime and the protocols thereto.

Implementation of recommendation 15

Measures to prevent torture

98. Judicial police officials are continually reminded of the serious risks they incur if they use violence to extort confessions; they are also informed that anyone who engages in such practices incurs personal liability under criminal law.

99. It should be noted that police reports of preliminary investigations are only used to provide information to the courts, but that the courts only admit legally obtained evidence.

100. Higher-ranking officials of the judicial police are instructed to report anyone who engages in such behaviour to the public prosecutor's office, once they have personally confirmed the facts or have been made aware of them, on the condition that they have verifiable documentation and evidence to prove the involvement of those responsible.

Criminalization of domestic violence

101. The law punishes domestic violence unconditionally and in all circumstances.

102. Victims of domestic violence between husband and wife and between relatives in the ascendant, descendant or horizontal lines of relationship are protected by the law.

103. A number of actions have been taken to put into operation the national strategy for combatting violence against women; these include a communications strategy, an advocacy programme and sensitization and social mobilization activities to prevent and combat all forms of discrimination and violence against women.

Implementation of recommendation 16

104. In March 2010, Algeria extended an invitation to seven Human Rights Council mandate holders.

105. To date, three Special Rapporteurs (on violence against women, the right to freedom of opinion and expression and the right to adequate housing) of the seven who were invited have visited Algeria. Their comments on issues pertaining to their respective mandates are currently being reviewed by the public authorities.

106. Once the remaining visits have been completed, Algeria will in due course consider requests for visits from other mandate holders, bearing in mind the country's priorities. In addition to cooperating with universal mechanisms, Algeria also cooperates with the African regional mechanism, i.e., the African Commission on Human and Peoples' Rights. In December 2009 and 2010, Algeria received visits from two African Commission delegations of mandate holders concerned with specific issues.

Implementation of recommendation 17

Promotion of women's rights

107. See the section on implementation of recommendation 4.

Combatting poverty

108. See the section on implementation of recommendation 2.

IV. New developments since the previous review

A. Political reforms

109. In 2011, on the initiative of the President of the Republic,¹¹ Algeria embarked on a broad process of institutional, political and socio-economic reforms, following a detailed timetable and culminating with the adoption of a new Constitution after the legislative elections of 10 May 2012.

110. The reforms arise from a genuine desire to expand democratic opportunities. They are part of the multiple reforms carried out by Algeria and reflect the expectations of the citizens while respecting the diversity of opinions of the Algerian people.

111. After a lengthy consultation, the process led to the adoption by the Parliament of certain key laws designed to enshrine the rule of law and strengthen representative democracy and inspired by the most advanced standards in this area.

112. Four organic laws were adopted which deal with the electoral system, political parties, information and women's representation in elected assemblies. Laws were also enacted on associations, incompatibility of mandates, *wilaya* codes and communities.¹²

Elections Act

113. Act No. 12-01, of 18 February 2012, on the electoral system, provides that elections shall be organized by the Administration, supervised by magistrates and monitored by representatives of the political parties and of independent slates participating in the elections. It also provides for:

- The establishment of an elections supervisory commission made up of magistrates. The Commission's mission is to supervise voting at the central and *wilaya* levels. It is to operate from the beginning of the electoral process until the results are announced and definitively validated.
- The establishment of an independent elections supervisory commission made up of representatives of the parties taking part in the election and of representatives of independent slates of candidates. This commission is to elect its chairperson and send representatives to the *wilayas* and communities; it is to have a publicly funded budget to enable it to accomplish its mission. In addition, upon request, the public authorities are to make available to it the services of public officials who are competent in electoral matters.

114. This act also provides for the use of transparent ballot boxes and indelible ink and requires the Administration to duly explain its reasons for rejecting any candidate.

115. It guarantees that candidates shall be entitled to receive immediately copies of reports on the conduct of the elections, that is, the report on the counting of votes at the polls and the two reports on the counting of results at the community and *wilaya* levels; this count is to be carried out by the magistrates.

116. This act lowers the minimum age of eligibility to stand for the Council of the Nation (Senate) as well as the number of voter signatures required for each presidential candidate. It also establishes sanctions for anyone who undermines the transparency, integrity and legality of elections.

117. Along with this twofold oversight, the Government has decided to invite international observers to the legislative elections of 10 May 2012 so as to guarantee optimum transparency, freedom and integrity. Thus, representatives of the international

organizations of which Algeria is a member or a partner, such as the United Nations, the Organization of Islamic Cooperation (OIC), the Arab League, the African Union and the European Union, as well as international non-governmental organizations, will be present at all stages of the voting and will have complete freedom of contact and movement.

Political Parties Act

118. Act No. 12-04 of 12 January 2012, on political parties, is intended to support democratic diversity and enhance the provisions on creation of political parties and their relations with the Administration, as well as transparency in the management of the finances of political groupings, and to deal with potential disputes or conflicts between the Administration and approved political parties.

119. To protect the rights of all citizens, this act includes provisions designed to prevent a repetition of the national tragedy, to prohibit any attempt to undermine fundamental freedoms, to consolidate the democratic and republican character of the State and to preserve national unity, territorial integrity and national independence, as well as the basic traits of our national identity.

120. With regard to the creation of political parties, the act stipulates that administrative silence beyond a certain time limit is equivalent to approval, and it guarantees the right of proponents of new political parties to appeal to the Council of State at any stage of the process.

121. The act does not authorize any interference in the internal organization of political parties, but is limited to requiring that party by-laws must include democratic rules for their operation. The by-laws must also encourage the promotion of women in their directing bodies and ensure transparency in their financial management, so as to combat all forms of corruption.

Associations Act

122. Act No. 12-06 of 12 January 2012, on associations, supports freedom of association, lays down regulations on association activities and closes certain legal loopholes, in particular, those relating to foundations, associations and foreign associations established in Algeria. To further consolidate the right of association, it requires the Administration to decide on requests for approval within a specific time frame; it further stipulates that administrative silence is equivalent to approval and that if a request is rejected, those concerned have the right to appeal to the courts.

123. The Act requires associations to comply with certain universal obligations, including those relating to integrity of leaders; transparency of management, especially financial management; adherence to the association's by-laws, especially in regard to its sphere of activity; respect for the Constitution and for the legislation in force; and respect for public order.

124. The Act accords public-benefit status to associations whose sphere of action is an area of priority for all citizens. It also provides for granting public subsidies for the implementation of an association's programme of action, subject to specific terms and conditions.

125. In brief, the text consolidates civil society as a fundamental actor in a participatory democracy.

Information Act

126. The development of information and communication technologies and changes on the national and international scenes created the need for a modern law on information.

Thus, Act No. 12-05 on information, of 12 January 2012, addresses the needs of citizens and of the new society that is evolving in this new environment. It also represents a step forward in that it decriminalizes press offences.

127. The Information Act reinforces the right of access to information and freedom of information with due respect for diversity of opinions. In particular, the Act:

- Improves protections for the private lives of citizens and guarantees the right to information
- Improves the social and professional status of journalists by reinforcing their rights in the context of their jobs
- Establishes two independent regulatory authorities, one for print media and the other for audiovisual media
- Creates the Higher Council of Ethics and Deontology
- Opens up audiovisual media to Algerian private capital
- Consolidates total freedom of online information for the print and audiovisual media
- Improves dissemination of the national press throughout the national territory

128. The act also makes it easier to start periodical publications and eliminates the requirement to make a statement before the competent public prosecutor in the territory concerned. Such statements will henceforth be submitted to the regulatory authority overseeing the written press, as stipulated in the Act.

129. The Information Act opens up the possibility of drafting specific laws on audiovisual media, advertising and surveys, as well as on the status of journalists.

B. Consolidating judicial reform

130. Algeria is working to consolidate and deepen reforms in the administration of justice by pursuing certain specific goals; in particular, it is striving to improve the quality of public service and facilitate access to the justice system.

131. As a result of the revision and adjustment of domestic legislation in order to comply with the country's international commitments, a number of laws have been enacted to reinforce the fundamental freedoms and rights of citizens.

132. These measures include the ordinance of 23 February 2011, ending the state of emergency;¹³ the act of 2 August 2011, substantially revising press offences, for the benefit of journalists; and the act of 18 January 2012,¹⁴ expanding opportunities for women to be elected to the assemblies.

133. Steps were taken to improve protection against crime, especially by criminalizing trafficking in persons,¹⁵ trafficking of organs and smuggling of migrants. A central office for the suppression of corruption was created, specialized judicial divisions were put in place, and alternatives to incarceration were established.

134. In pursuance of this same objective of fighting crime, Algeria has signed twenty-two agreements on bilateral judicial assistance since 2008.

135. In order to improve access to the justice system, free judicial assistance is provided to victims of human trafficking, organ trafficking and migrant smuggling, to persons with disabilities and to certain foreigners, when judicial mediation is available as an alternative method of conflict resolution.

136. Access to justice has also been facilitated by modernizing and computerizing the justice system so as to offer services to persons awaiting trial and to lawyers, who have access to the Ministry of Justice website, and by networking lawyers and the courts, thus enabling them to follow the progress of their cases.

137. Similarly, to bring justice closer to the citizens, nine courts, 18 tribunals and 20 administrative tribunals were set up in 2009.

138. To better fulfil their social purpose, especially in terms of quality and efficiency, the justice sector made a special effort to reinforce the staff and provide personnel training.

139. Thanks to the recruitment of magistrates, by July 2011, there were 4,299 magistrates; 39.45 per cent of these were women. Along with the training of core staff over a three-year period, more in-depth, diversified and specialized training was provided, both within Algeria and abroad.

140. In the same way, in order to improve the quality of court services, the number of court clerks was increased, their training was expanded, and their social and professional status was improved. These improvements were also made for court officials.

C. Promotion of youth

141. Algeria has a major stake in its youth. Thus, the Government attaches high priority to programmes and services targeting young people.

142. Algeria ratified the African Youth Charter and participated actively in the International Year of Youth celebrated by the United Nations in 2011. It also participates in all forums and international conferences on young people.

143. National policies are aimed at promoting youth activities and developing the practice of sports at all levels and in all segments. The goal is to channel young people's energy and enable them to develop their full potential so that they will be empowered and well prepared for an active life.

144. The State has invested substantial financial, human and material resources to this endeavour.¹⁶ A substantial supply of fully equipped infrastructure for sports and youth activities has been built, including around 13,944 functional structures which are equitably distributed throughout the country. This infrastructure will provide:

- Free, open and inclusive access to leisure activities for young people
- General and public access to the practice of sports, including women's sports and sports for people with disabilities
- Widespread practice of sports in schools
- Free and open access to the Internet and to new information technologies
- Promotion of domestic tourism for young people

145. In its strategy, the Government also gives absolute priority to promoting community life for young people.

146. Indeed, the community movement among youth is viewed as a partner that supplements the efforts of the public authorities. It is considered an active force for mobilizing young people and addressing their concerns.

147. There are at least 5,000 youth associations and over 5,000 sporting associations, all of which receive substantial subsidies from the State budget, the National Fund and forty-eight *wilaya* funds which support sports and youth initiatives.¹⁷

148. Cooperation with civil society focuses on:

- Preventing drug use
- Youth counselling
- Combatting idleness and joblessness among youth
- Combatting all forms of exclusion and civic irresponsibility
- Helping to promote the physical and moral health of young people
- Promoting youth tourism, especially within the national territory
- Contributing to the fight against illiteracy among youth
- Contributing to the fight against drug addiction, alcoholism, AIDS and other social ills

D. The Five-Year Development Plan (2010–2014)

149. This is the third public investment programme that the country has undertaken since 2001.

150. The new five-year plan entails a financial commitment in the order of 21,214 billion Algerian dinars (equivalent to \$286 billion). The investment benefits practically every sector, with special attention being paid to structural projects and projects in the economic sector that are fundamentally aimed at reducing oil dependency.

151. The project includes:

- \$130 billion for completion of ongoing projects (railways, roads, water and so forth)
- \$156 billion for new projects in two main areas, which may be summarized as follows:

Human development: More than 40 per cent of resources are for the improvement of human development, as follows:

- 5,000 educational establishments, including:
 - 1,000 schools (*collèges*)
 - 850 secondary schools
 - 600,000 university teaching positions
 - 400,000 places in student residences
 - Over 300 training and vocational education establishments
- Over 1,500 health infrastructure works, including 172 hospitals, 45 specialized health complexes, 377 polyclinics, 70 specialized establishments for persons with disabilities
- Two million housing units: 1.2 million to be delivered during the five-year period, and the rest before the end of 2014
- One million homes to be connected to the natural gas supply
- Electrification of 220,000 rural homes
- Improvement of the drinking water supply: construction of 35 dams, 25 water-transfer systems, completion of all sea-water desalination stations under construction

- Over 5,000 infrastructures for young people, including 80 stadiums, 150 multipurpose rooms, 400 swimming pools and over 200 youth hostels and centres

Core infrastructure and public sector: 40 per cent of the resources will go to the development of core infrastructure and improvement of the public sector, including:

- Extension and modernization of the road system and expansion of port capacity
- Modernization and extension of the railway system, improvement of urban transport (tramways through 14 cities) and modernization of airport infrastructure
- Territorial and environmental planning
- Improvement of means and services of local communities, of the judiciary and of administration of tax, business and labour regulations
- Support for development of the national economy, including support for agricultural and rural development, since 2011
- Promotion of small and medium enterprises
- Industrial development
- Job creation
- Development of the knowledge economy through support for scientific research and use of ICTs

152. Completion of these actions will further strengthen the enjoyment by the Algerian people of their economic, social and cultural rights.

V. Achievements, best practices, difficulties and constraints

A. Good practices

1. Human rights training

153. Human rights education has been included for many years in the training programmes of police and gendarmerie schools.

154. In order to improve the practical application of respect for human rights, human rights education has been mainstreamed throughout the career development of officers and non-commissioned offers. One example is the course on protection of the rights and liberties of citizens, which was taught at the judicial police school of Zeralda (Algiers) for commanders of territorial companies.¹⁸

155. In addition, staff of human rights institutions deliver lectures from time to time for officer trainees, as well as at all the schools and training centres of the security services.

156. In addition to the human rights module itself, the concept of human rights is included in all courses offered by the training units of the national gendarmerie.

157. The objective of these endeavours is to reconcile respect for liberties with the effectiveness that is expected of the police and gendarmerie in the performance of their duties. Accordingly, a serious effort is made to teach them how to follow the rules for ensuring that their actions are legal and that they practice respect for human rights.

158. A valuable contribution to this effort has been made by the training and sensitization manual published by the High Commissioner for Human Rights, entitled *Human Rights Standards and Practice for the Police*.

159. This especially useful tool has been widely distributed to all police and gendarmerie training units and schools, demonstrating the Government's commitment to promoting every possible means for raising awareness among law enforcement personnel of the need to respect human rights when applying the law.

160. The National Institute of Criminal Statistics and Criminology provided its expertise on judicial matters and handling of evidence, thus offering maximum guarantees for the protection of rights.

161. Specialized periodicals published by the National Security Services and the National Gendarmerie also help raise awareness of human rights issues through their articles and studies on the matter.

2. Public consultations with civil society

162. The first public consultation with civil society was organized by the National Economic and Social Council and was held from 14 to 16 June 2011.

163. This meeting, which brought together more than 1,000 participants (representatives of community associations, trade unions, employers and students, members of think tanks, ethics committees or learned societies, artists, communicators, academics and researchers) took place in the context of political reforms initiated by the President of the Republic to promote greater involvement of civil society in all aspects of public life.

164. The meeting consisted of five workshops on issues relating to the diversity of civil society, social partners for a new growth regime, the system of social protection and national solidarity, participatory democracy and youth.

165. The consultations also helped to identify the objectives of civil society, including the development of civic responsibility and a culture of national solidarity and the opening up of more opportunities for citizens to be heard and to express themselves.

166. Thousands of proposals were put forward during the consultation; these were compiled at the five workshops. The voluminous final report will be presented to the President of the Republic on 5 July, the national holiday.

B. Constraints

167. The constraints described below reflect the views of civil society actors who were consulted in the course of preparing this report.

- The persistence of disparities in education and access to care in remote regions
- The concerns of young people (training, jobs, combatting drug abuse and addiction), services for older persons, systematic stigmatization of persons with HIV/AIDS, treatment of cancer patients, especially in the southern and far southern regions of the country
- The need for greater attention to the rights of victims of terrorism and their families
- The persistence of discriminatory practices towards women
- The ambiguous treatment of sexual harassment cases brought before the courts, despite its having been criminalized by law
- The need to penalize domestic and conjugal violence and improve education for girls, especially in rural areas

- The need to promote children's rights, in particular by training teachers in child psychology, and the need to remove the obstacles which since 2006 have blocked the enactment of the child protection code
- The need to increase efforts to combat violence against children in schools
- The need to create an independent mechanism for monitoring implementation of the Convention on the Rights of the Child
- The persistence of disparities between policies and practice, despite efforts to achieve gender equality and the empowerment of women

168. The State will spare no effort to address the concerns expressed by civil society.

VI. Challenges and prospects

A. In the field of communication

169. The large-scale programme on digital terrestrial television, along with support measures, including training, constitutes the best response to the country's needs, especially through thematic channels, and to expand and improve nationwide coverage of radio and television programming.

B. In the field of health

170. In regard to health programmes, the challenge is to meet the most important health needs, in particular by providing the high-level emergency care that is needed in view of the epidemiological and demographic transition the country is experiencing.

171. In this regard, the concern for ensuring equitable access to specialized health care is reflected in the fact that the sectoral development plan looking ahead to 2014 includes projects on the creation of specialized establishments and national referral centres for the treatment of cancer and other chronic diseases. Seven cancer treatment centres are currently in operation; the goal is to have 22 such centres throughout the country by 2014. In addition, the process of contractualisation between the hospitals and the National Social Security Fund is nearing completion (by 2012).

Notes

¹ Voir en annexe n°1 la liste des Conventions internationales et régionales ratifiées par l'Algérie.

² Voir en annexe n°2 la liste des recommandations acceptées par l'Algérie.

³ Voir en annexe n°3, la politique générale de l'Etat en matière de lutte contre la pauvreté.

⁴ Bilan arrêté au 31 mai 2011 par l'Agence nationale de Gestion du Microcrédit (ANGEM).

⁵ Voir les dispositions de ces articles en annexe n°4.

⁶ Voir en annexe n°5 le texte de l'arrêté interministériel du 12 juin 2011.

⁷ La CNCNM a été instituée par l'ordonnance n°06-03 du 28 février 2006 et dont les modalités de fonctionnement sont fixées par le Décret exécutif n°07-158 du 27 mai 2007.

⁸ Ordonnance n° 73-65 du 28 décembre 1973.

⁹ Décret exécutif n°05-435 du 10 novembre 2005.

¹⁰ Femmes mariées en âge de reproduction.

¹¹ Voir le texte du discours à la nation prononcé par le Président de la République, le 15 avril 2011, sur le site web de la Présidence de la République: www.elmouradia.dz.

¹² Voir annexe n°6 les textes des différentes lois adoptées dans le cadre des réformes politiques.

- ¹³ Voir supra, mise en œuvre de la recommandation n°10.
¹⁴ Voir en annexe n° 8 le texte de loi sur la représentation des femmes dans les Assemblées élues.
¹⁵ Voir supra, mise en œuvre de la recommandation n°14.
¹⁶ Voir annexe n°9.
¹⁷ Voir annexe n°10.
¹⁸ Voir en annexe n°11, le volume horaire des cours des droits de l'Homme dans le corps de la Police.
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